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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,893	11/13/2001	Alvin C. Allen JR.	069131.0114	6059

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EXAMINER
PEREZ GUTIERREZ, RAFAEL

ART UNIT	PAPER NUMBER
2683	3

DATE MAILED: 01/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/008,893	Allen, Jr.	
	Examiner	Art Unit	
	Rafael Perez-Gutierrez	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 November 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,19,26 and 34-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,19,26 and 34-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Priority

1. Applicant has complied with the conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120.

Drawings

2. The drawings in this application are objected to by the Draftsperson as informal. Any drawing corrections requested, but not made in the prior application should be repeated in this application if such changes are still desired. If the drawings were changed and approved during the prosecution of the prior application, a petition may be filed under 37 CFR 1.182 requesting the transfer of such drawings, provided the parent application has been abandoned. However, a copy of the drawings as originally filed must be included in the 37 CFR 1.60 application papers to indicate the original content.

Claim Objections

3. **Claim 26** is objected to because of the following informality: On **line 1** of **claim 26**, replace "comprising" with --comprising:-- after "apparatus". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1, 19, 34, and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Janky et al. (U.S. Patent # 5,777,580)** in view of **Westerlage et al. (U.S. Patent # 5,826,195)**.

Consider **claims 1 and 19**, Janky et al. clearly show and disclose a method and a vehicle location system (triggerable location-reporting apparatus) for use in an environment including: satellites 35A-D (source) outputting Global Positioning Satellite (GPS) System signals; a Vehicle Location Service Center (VLSC) 15 (source) outputting an interrogation (trigger) signal (IS); a cellular base station connected through a network to a gateway; the cellular base station being configured to expect a Reverse Control Channel (RECC) signal including a Mobile Identification Number (MIN) and an Electronic Serial Number (ESN) (column 7 line 6 - column

8 line 4), the vehicle location system (triggerable location-reporting apparatus), and respective method, comprising:

a location determination system (LDS) receiver/processor 31 (GPS receiver) responsive to the GPS signals for producing GPS data when enabled (abstract, figures 1, 2, 5, and 6, and column 11 lines 15-19);

an IS communications transmitter or responder means 27 (cellular network transmitter) coupled to the LDS receiver/processor 31 (GPS receiver) for formatting and transmitting, when enabled, a RECC signal including the formatted GPS data to the gateway (abstract, figures 1, 2, 5, and 6, and column 5 lines 42-53);

an IS communications receiver 21 (trigger signal receiver) responsive to the IS (trigger signal) for producing an enable signal (abstract and figures 1, 2, 5, and 6);

a controller 25 (enable controller) coupled to the LDS receiver/processor 31 (GPS receiver), the IS communications transmitter or responder means 27 (cellular network transmitter), and the IS communications receiver 21 (trigger signal receiver) (figures 1, 2, 5, and 6);

the controller 25 (enable controller) being configured to wake-up (enable, switch on), by means of a first switchable power signal, the LDS receiver/processor 31 (GPS receiver) and, by means of a second switchable power signal, the IS communications transmitter or responder means 27 (cellular network transmitter) when it receives an enable signal from the IS communications receiver 21 (trigger signal receiver); and

inherently, the controller 25 (enable controller) being configured to put back to sleep

(disable, switch off) the LDS receiver/processor 31 (GPS receiver) and the IS communications transmitter or responder means 27 (cellular network transmitter) in order to conserve electrical power (abstract, figures 1, 2, 5, and 6, column 11 lines 26-40, column 12 lines 24-26, and claims 1-8).

Furthermore, Janky et al. clearly disclose that the LDS receiver/processor 31 (GPS receiver) can only provide to the IS communications transmitter or responder means 27 (cellular network transmitter) information sufficient to determine the vehicle present location (column 5 lines 26-30 and column 12 lines 8-15 and 26-31) which clearly suggests that the LDS receiver/processor 31 (GPS receiver), by means of some kind of data selector, selects less than all of the GPS data to produced selected GPS data (i.e., information sufficient to determine the vehicle present location) that is provided to the IS communications transmitter or responder means 27 (cellular network transmitter) for transmission to a selected IS contact receiver 43.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Janky et al. in order to, and by following the clear suggestion provided by Janky et al., further specify a data selector for performing the above-mentioned task of producing selected GPS data.

However, Janky et al. do not specifically disclose that the RECC signal includes the formatted GPS data in the place normally occupied by the ESN and a MIN that will cause the cellular base station to send a Registration Notification Invoke signal including the formatted GPS data to the gateway.

Westerlage et al. clearly show and disclose a data messaging system and a data

messaging unit 16, equipped with a cellular transceiver 38, that generates a data message (e.g., GPS data) in response to a reporting event (trigger signal). Said data message (e.g., GPS data) is transmitted by the cellular transceiver 38, in a Reverse Control Channel, by altering the Electronic Serial Number and the Mobile Identification Number of the cellular transceiver 38. A cellular base station receives the data message and, after recognizing the altered identifier, forwards the message to a platform (gateway) (abstract, figures 1 and 2, column 1 line 62 - column 2 line 30, column 6 lines 55-65, column 9 lines 4-17, and column 10 line 16 - column 12 line 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the teachings of Janky et al. with the teachings of Westerlage et al. in order to provide a triggerable location-reporting apparatus that takes advantage of existing communications protocols as well as existing cellular communications equipment at a reduced cost and complexity when communicating data messages in the place normally occupied by the ESN and the MIN, as recognized by Westerlage et al. (column 2 lines 6-13).

Consider **claims 34 and 35**, and **as applied to claims 1 and 19 above**, although Janky et al. as modified by Westerlage et al. fail to specifically disclose that the selected GPS data is reorder, a person of ordinary skill in the art of wireless communications systems would have been clearly motivated by, for example, the current communication system being used, to reorder the selected GPS data in a way that best fits the communication system currently in use by the vehicle location system (triggerable location-reporting apparatus).

6. **Claims 26 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Janky et al. (U.S. Patent # 5,777,580)**.

Consider **claim 26**, Janky et al. clearly show and disclose a vehicle location system (triggerable location-reporting apparatus) comprising:

a location determination system (LDS) receiver/processor 31 (location-signal generating device) configured to produce a location signal including location data when enabled (abstract and figures 1, 2, 5, and 6);

an interrogation signal (IS) communications transmitter or responder means 27 (telemetry transmitter) coupled to the LDS receiver/processor 31 (location-signal generating device) configured to transmit the location signal when enabled (abstract, figures 1, 2, 5, and 6, and column 5 lines 42-53); and

a controller 25 (enable controller) configured to wake-up (enable) the LDS receiver/processor 31 (location-signal generating device) and the IS communications transmitter or responder means 27 (telemetry transmitter) when it receives an interrogation (trigger) signal (IS) and, inherently, to put back to sleep (disable) the LDS receiver/processor 31 (location-signal generating device) and the IS communications transmitter or responder means 27 (telemetry transmitter) after the IS communications transmitter or responder means 27 (telemetry transmitter) transmits the location signal (abstract, figures 1, 2, 5, and 6, column 11 lines 26-40, and claims 1-8), since Janky et al. clearly disclose a power saving mode embodiment in which the LDS receiver/processor 31 (location-signal generating device) is kept in a "sleeper" mode to conserve power until the IS receiver receives and responds to the specified IS (abstract lines 18-

20) and that the LDS receiver/processor 31 (location-signal generating device) is awakened by the controller (enable controller) only when a trigger event occurs (column 11 lines 31-40) and the IS responder/transmitter means 27 (telemetry transmitter) can contact the IS contact receiver only once (column 12 lines 24-26).

Furthermore, Janky et al. clearly disclose that the LDS receiver/processor 31 (GPS receiver) can only provide to the IS communications transmitter or responder means 27 (cellular network transmitter) information sufficient to determine the vehicle present location (column 5 lines 26-30 and column 12 lines 8-15 and 26-31) which clearly suggests that the LDS receiver/processor 31 (GPS receiver), by means of some kind of data selecting device, selects less than all of the GPS data to produced selected GPS data (i.e., information sufficient to determine the vehicle present location) that is provided to the IS communications transmitter or responder means 27 (cellular network transmitter) for transmission to a selected IS contact receiver 43.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to slightly modify the teachings of Janky et al. in order to, and by following the clear suggestion provided by Janky et al., further specify a data selecting device for performing the above-mentioned task of producing selected GPS data.

Consider **claim 36**, and **as applied to claim 26 above**, although Janky et al. fail to specifically disclose that the selected GPS data is reorder, a person of ordinary skill in the art of wireless communications systems would have been clearly motivated by, for example, the current communication system being used, to reorder the selected GPS data in a way that best

fits the communication system currently in use by the vehicle location system (triggerable location-reporting apparatus).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Mansell et al. (U.S. Patent # 5,223,844) disclose a vehicle tracking and security system;

Snyder et al. (U.S. Patent # 5,490,200) disclose a system and method for remotely tripping a switch;

Tendler (U.S. Patent # 5,555,286) discloses a cellular phone based automatic emergency vessel/vehicle location system;

Snyder (U.S. Patent # 5,588,038) discloses a system and method for signaling a device at a remote location over a wireless network;

Ross (U.S. Patent # 5,673,305) discloses a method and apparatus for tracking and reporting the location of a motor vehicle;

Lemelson et al. (U.S. Patent # 6,054,928) disclose a prisoner tracking and warning system and method.

8. Any response to this Office Action should be **faxed to** (703) 872-9314 **or mailed to**:

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Hand-delivered responses should be brought to:

Crystal Park II
2021 Crystal Drive
Arlington, VA 22202
Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, William G. Trost IV can be reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.

Rafael Perez-Gutierrez
R.P.G./rpg RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
January 21, 2002

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